

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JULY 9, 2009**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

**SUBJECT:**

**ABEYANCE - ZON-33765 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: BASHIR AFZALI** - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 0.58 acres on the east side of Martin L. King Boulevard, approximately 500 feet north of Washington Avenue (APN 139-28-604-004), Ward 5 (Barlow)

**C.C.: 08/05/2009**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**5**

**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**3**

**City Council Meeting**

**0**

**RECOMMENDATION:**

**APPROVAL**

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Submitted after Final Agenda – Concern Letter by Shondra Summers Armstrong for Items 16-18

Motion made by BYRON GOYNES to Approve

Passed For: 5; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 1

MICHAEL E. BUCKLEY, VICKI QUINN, BYRON GOYNES, GLENN TROWBRIDGE, RICHARD TRUESDELL; (Against-STEVEN EVANS); (Abstain-None); (Did Not Vote-None); (Excused-KEEN ELLSWORTH)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open for Items 16-18.

STEVE GEBEKE, Planning and Development, reported that the applicant would like to rezone an undeveloped residential lot to commercial for a commercial center. A revised site plan has been submitted, resulting in lesser variances. Staff recommended approval of the rezoning, as the proposal would be compatible with the surrounding districts and appropriate for the area.

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However, staff could not support the Site Development Plan Review nor the Variance requests, as staff found no unique or extraordinary circumstances and the applicant has created a self-imposed hardship by attempting to overbuild the site.

DON RODRIGUEZ, Empire Land and Development, 1151 Mariposa, Boulder City, Nevada appeared on behalf of the applicant. He noted the revisions including the relocated trash enclosure, reduced square footage, increased parking spaces and the setback variance is no longer needed so the application has been withdrawn. At COUNCILMAN BARLOW'S request, the 24-foot drive aisle was maintained, thus causing the opportunity to meet the parking requirement. Because MR. RODRIGUEZ had not reviewed the conditions, CHAIR TROWBRIDGE felt it was prudent to trail the items to allow him time to review them. Thereafter, he confirmed his acceptance of all conditions.

FREDERICK JACKSON expressed his opposition to a two-story development as well as insufficient parking. This development would be in his backyard.

Regarding the Martin Luther King widening project, LUCIEN PAET, Public Works, confirmed for the Commission that the widening included areas to the west and not this property. TODD FARLOW felt that if this property was included in that widening project, it would be a mitigating factor.

COMMISSIONER GOYNES appreciated the applicant's efforts and complimented the building; however, the subject location was not appropriate. He thought it could possible work at the old Bank of America site on the corner of Washington Avenue and Martin Luther King Jr. Boulevard.

CHAIR TROWBRIDGE declared the Public Hearing closed for Items 16-18.